

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
E/S Oriole Avenue, 970' +/- S of		
centerline of Diamond Point Road	*	DEPUTY ZONING COMMISSIONER
15th Election District		
7th Councilmanic District	*	OF BALTIMORE COUNTY
(435 Oriole Avenue)		
	*	CASE NO. 02-411-A
Lorraine D. & Richard W. Schmitt		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Lorraine D. and Richard W. Schmitt. The variance request is for property located at 435 Oriole Avenue in the eastern area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard setback of 11 ft. 5 in. for a proposed addition and a sum of side yard setbacks of 41 ft. 5 in. in lieu of the minimum required 20 ft. and 50 ft. respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

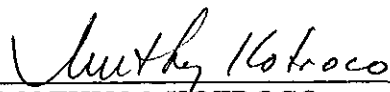
ORDER PREPARED FOR FILING
 Date 4/25/02
 By R. Johnson

As of the date of this Order, the Department of Environmental Protection & Resource Management (DEPRM) has not completed its review of this project. Therefore, the relief granted herein is subject to the Petitioners' compliance with any recommendations made by DEPRM upon completion of their review.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 25th day of April, 2002, that a variance from Section 1B02.3.C.1 of the B.C.Z.R., to allow a side yard setback of 11 ft. 5 in. for a proposed addition and a sum of side yard setbacks of 41 ft. 5 in. in lieu of the minimum required 20 ft. and 50 ft. respectively, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with any recommendations, if any, made by DEPRM.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

COPIES FOR FILE
4/25/02
R. J. J. J.



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

April 25, 2002

Mr. & Mrs. Richard W. Schmitt
435 Oriole Avenue
Baltimore, Maryland 21224

Re: Petition for Administrative Variance
Case No. 02-411-A
Property: 435 Oriole Avenue

Dear Mr. & Mrs. Schmitt:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 435 ORIOLE AVE
which is presently zoned DR-1

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 B O 2 . 3 . C . 1

To allow a side yard setback of 11 ft 5 in. for a proposed addition and a sum of side yard setbacks of 41 ft 5 in. in lieu of the minimum required 20 ft. & 50 ft. respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

Name - Type or Print _____

Name - Type or Print _____

Signature _____

Signature _____

Address _____ Telephone No. _____

Name - Type or Print _____

City _____ State _____ Zip Code _____

Signature _____

Attorney For Petitioner:

435 ORIOLE AVE 410-284-5435
Address Telephone No.

Name - Type or Print _____

BALTIMORE MD 21224
City State Zip Code

Signature _____

Representative to be Contacted:

Company _____

Name _____

Address _____ Telephone No. _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 02-411-A

Reviewed By [Signature] Date 02-25-02

Estimated Posting Date 4-08-02

REV 9/15/98

ORDER APPROVED FOR FILING
4/25/02
[Signature]
[Signature]

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

Address 435 ORIOLE AVE
City BALTIMORE State MD Zip Code 21224

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

CONSTRUCT - 1 STORY BATH ROOM ADDITION
ON SIDE OF EXT. BUILDING - 10 X 10 X 14 = 100 SF
MEDICAL REASON
"ULCERATIVE COLITIS"

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Lorraine D. Schmitt
Signature
LORRAINE D. SCHMITT
Name - Type or Print

Richard W. Schmitt
Signature
RICHARD W. SCHMITT
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18TH day of MARCH, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

RICHARD WILLIAM SCHMITT & LORRAINE DOROTHY SCHMITT
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

3/18/2002
Date

Herbert Zeidenkirchen
Notary Public
My Commission Expires 10-1-2004

ZONING DESCRIPTION FOR 435 ORIOLE AVE.
(address)

Beginning at a point on the EAST side of
(north, south, east or west)
ORIOLE AVE which is 30'
name of street on which property fronts) (number of feet of right-of-way width)
wide at the distance of 970'± SOUTH of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street DIAMOND POINT RD.
(name of street)
which is 40' wide. *Being Lot # 27,
(number of feet of right-of-way width)
Block —, Section # 1 in the subdivision of FRANKTON
(name of subdivision)
as recorded in Baltimore County Plat Book # 7, Folio # 23,
containing 11,520 ±. Also known as 435 ORIOLE AVE.
(square feet or acres) (property address)
and located in the 15th Election District, 7 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number,
then DO NOT attempt to use the Lot, Block and Subdivision
description as shown, instead state: "As recorded in Deed
Liber __, Folio __" and include the measurements and
directions (metes and bounds only) here and on the plat in the
correct location.

Typical metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18°
27' 03" E.87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15'
22" W. 80 ft. to the place of beginning.

411

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Case No. **10183**
02-411-A

DATE 3-25-02 ACCOUNT R-001-06-6150

AMOUNT \$ 50.00

RECEIVED FROM: MA + MIA Schmitt

FOR: Residential Variance Filing Fee
at 435 Oriole Ave. (21224)

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

DATE RECEIPT
FUND RECEIPT

BUSINESS ACTUAL TIME
3/26/2002 3/25/2002 14:31:01

REG NO. 3 MAIL JEWEL E. BROWER
>> RECEIPT # 236617 3/25/2002 OFL
Dept 5 520 ZONING VERIFICATION
CR NO. 010183

Receipt Tot \$50.00
50.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 02-411-A

Petitioner/Developer: Richard

Schmitt

Date of Hearing/Closing: 4/23/02

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 435 ORIOLE AVE

The sign(s) were posted on 4/8/02
(Month, Day, Year)

Sincerely,

[Signature] 4/8/02
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

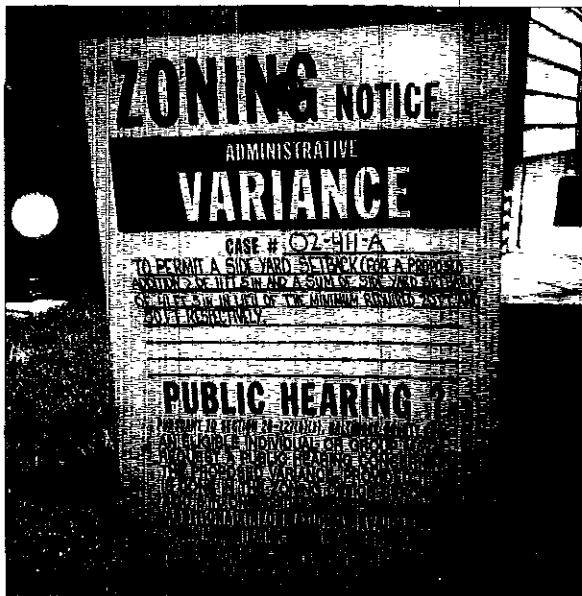
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 02-411-A
Petitioner: RICHARD E LORRAINE SCHMITT
Address or Location: 435 ORIOLE AVE BALTIMORE MD 21224

PLEASE FORWARD ADVERTISING BILL TO:

Name: RICHARD E LORRAINE SCHMITT
Address: 435 ORIOLE AVE
BALTIMORE, MD 21224
Telephone Number: 410-284-5435

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 02- 411 -A Address 435 Oriole Ave.Contact Person: John Sullivan Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 3-25-02 Posting Date: 4-08-02 Closing Date: 4-23-02

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMATCase Number 02- 411 -A Address 435 Oriole Ave.Petitioner's Name Richard Schmitt Telephone (410) 284-5435Posting Date: 4-08-02 Closing Date: 4-23-02

Wording for Sign: To Permit a side yard setback (for a proposed addition)
of 11 ft 5 in and a sum of side yard setbacks of 41 ft 5 in in lieu
of the minimum required 20 ft. and 50 ft. respectively

WCR - Revised 6/28/00



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 23, 2002

Mr. & Mrs. Richard W Schmitt
435 Oriole Avenue
Baltimore MD 21224

Dear Mr. & Mrs. Schmitt:

RE: Case Number: 02-411-A, 435 Oriole Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 25, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. G D Z
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel


Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

DATE: May 1, 2002

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 8, 2002
Item Nos. 401, 402, 404, 405, 406,
407, 408, 409, 410, (411) 413, 414,
415, 416, 417, 418, 419, 420, 421,
422, 423 and 425

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:CEN:cab

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

April 12, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF April 8, 2002

Item No.: See Below

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:
401, 402, 404-417, 419-425

411

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File
COUNTY REVIEW GROUP MEETING{PRIVATE }

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

DATE: May 1, 2002

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS /TBT*

DATE: May 1, 2002

SUBJECT: Zoning Item 411
Address 435 Oriole Avenue (Schmitt Property)

Zoning Advisory Committee Meeting of 4/08/02

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: Keith Kelley

Date: 5/1/02

GROUND WATER MANAGEMENT

An evaluation of the well and septic system may be required prior to permit approval.

Reviewer: Sue Farinetti

Date: 5/01/02

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: April 15, 2002

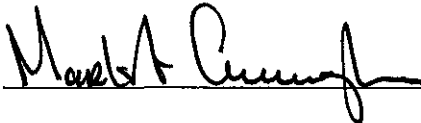
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

APR 16

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-411, 02-412, 02-421, 02-422, & 02-425

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL:MAC



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4.12.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 411

JJS

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

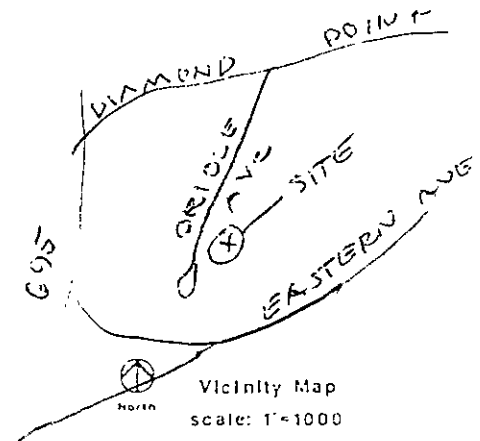
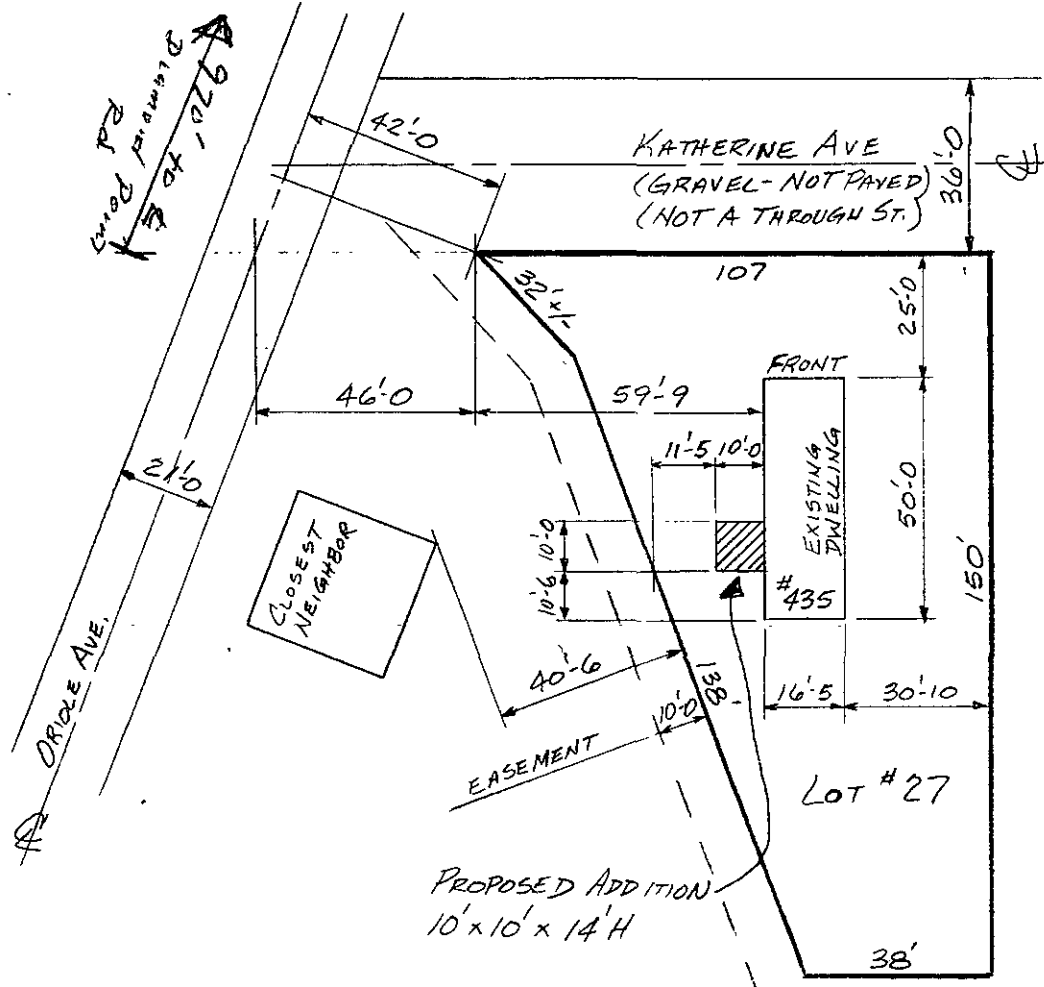
PROPERTY ADDRESS: 435 ORIOLE AVE

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: FRANKTON

plat book # 7, folio # 23, lot # 27, section # 1

OWNER: RICHARD E LORRAINE SCHMITT



LOCATION INFORMATION

Election District: 15

Councilmanic District: 7

1"=200 scale map # NE 1F

Zoning: DR-1

Lot size: 0.264± acreage 11520 SF square feet

SEWER: ☐ public ☒ private

WATER: ☐ public ☒ private

Chesapeake Bay Critical Area: ☒ yes ☐ no

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: 411 CASE #:



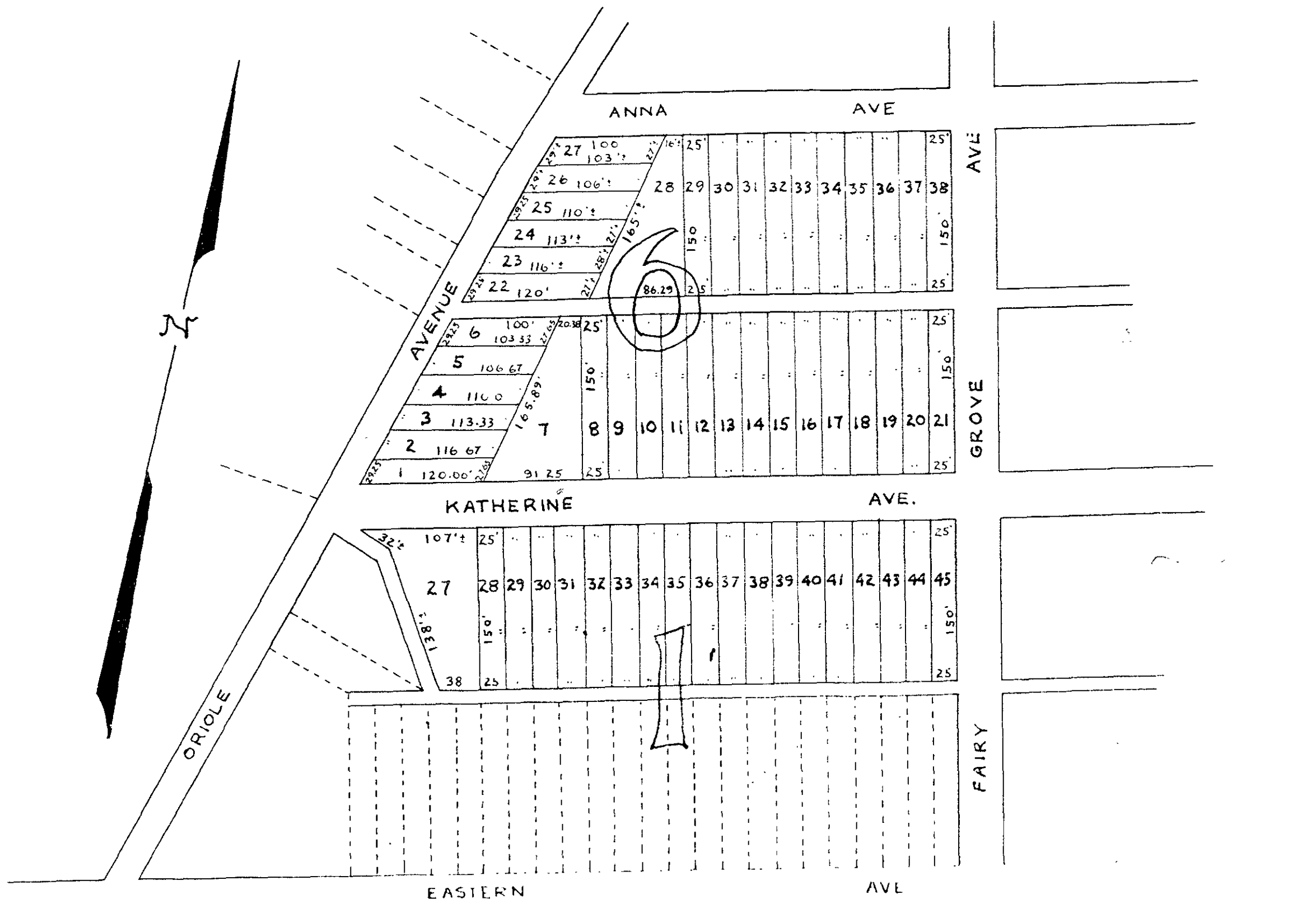
North

date: 3/21/02

prepared by: RICHARD SCHMITT

Scale of Drawing: 1" = 40'

Ref. #1

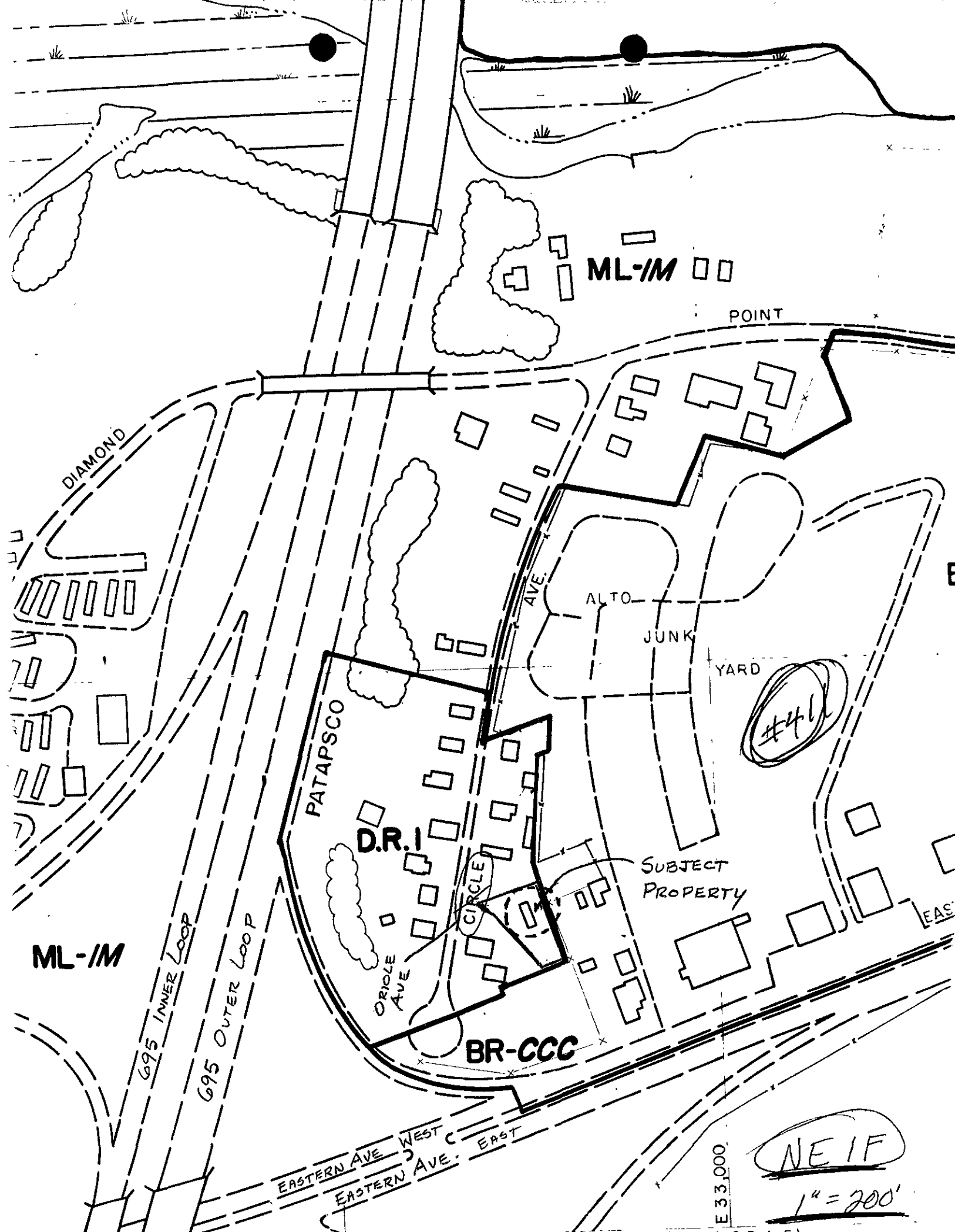


for 2d's
file

#411

Scale 1"=100'
Sept. 1926

SUBDIVISION OF BLOCKS 1 & 6
FRANKTON



ML-/M

POINT

DIAMOND

ALTO

JUNK

YARD

#41

PATAPSCO

D.R.I.

SUBJECT
PROPERTY

ML-/M

695 INNER LOOP

695 OUTER LOOP

BR-CCC

ORIOLE
AVE

CIRCLE

EASTERN AVE WEST
EASTERN AVE EAST

E 33,000

NEIF

1" = 200'

NEXT Tues 19
WEEK 300

COUNTY OFFICE BOB
Room 111

